

### **REMARKS**

[0001] The following paragraphs are numbered for ease of future reference. Entry of this Amendment is proper under 37 C.F.R. §1.116 since no issues are raised and the claim amendments move subject matter of dependent claims 2-7, 9-14 and 16-20 into independent claims 1, 8 and 15, respectively. Thus, claims 1, 8 and 15 are all the claims presently pending in this application, wherein claims 1, 8 and 15 have been amended to more particularly define the claimed invention. Claims 2-7, 9-14 and 16-20 have been canceled accordingly.

[0002] Applicant further respectfully submits that no new matter is added to the currently amended claims, nor has the scope of the pending claims changed. Applicant respectfully traverses the rejections based on the following discussion.

#### **I. REJECTION UNDER 35 U.S.C. §101**

[0003] Claims 8-14 have been rejected under 35 U.S.C. §101 as being directed toward non-statutory subject matter as not (1) being tied to a particular machine or apparatus, or (2) transforming a particular article to a different state or thing.

[0004] Applicant's amendment to claim 8 by eliminating the term, "system" with "a computer-implemented method," now causes the claims to satisfy the two corollaries of the "**machine-or-transformation**" test of *In re Bilsky*, since the amendment: 1) is not merely field-of-use limitation by imposing meaningful limits on the method claim's scope; and 2) does not merely add insignificant extra-solution activity by reciting a specific machine or a particular transformation of a specific article in an insignificant step, such a data gathering or outputting. See *In re Bilski*, 545 F.3d 943, 88 USPQ2d 1385 (Fed. Cir. 2008). In view of the foregoing, the

Examiner is respectfully requested to reconsider and withdraw this rejection.

## II. THE PRIOR ART REJECTION

### **The 35 U.S.C. § 102(b) Rejection over Dabbieri**

[0005] Claims 1-20 stand rejected under 35 U.S.C. §102(b) as being anticipated by Dabbieri et al., U.S. Pat. App. Pub. No. 2002/0013721, (hereinafter “Dabbieri”).

[0006] Applicant traverses the Examiner’s rejection since, among other reasons, Dabbieri is directed toward integrated data communication between supply chain partners, such as factories, wholesalers, retailers and retail customers, transportation companies, whereas Applicant’s claimed invention is directed towards a transformation unit that performs transformations on the data streams and trigger event data by placing the data into appropriate categories for manufacturing lot trace capability as controlled by a relationship between components and devices in a bill of materials and parentage information. Furthermore, Applicant’s invention is directed toward a demand side reconciler that performs a demand side reconciliation of transformed data streams with trigger event data based upon the occurrence of the trigger event data.

[0007] More specifically, Applicant submits, that Dabbieri does not teach or suggest: “a demand side reconciler that performs a demand side reconciliation of said transformed data streams with said trigger event data based upon the occurrence of said trigger event data,” according to independent claim 1, and similarly, independent claims 8 and 15.

[0008] The Examiner on page 4 of the After-Final Office Action alleges that, “Concerning claim 1, Dabbieri discloses... a supply side reconciler that performs a supply side reconciliation of said

data transformed data streams and said trigger event data to determine whether said transformed data streams are consistent with said trigger event data; (See ¶46, i.e. performing certain validations, and further ¶47, particularly explaining supply side validation)”....

[0009] Therefore, the Examiner alleges that Dabbieri discloses Applicant’s claimed “supply side reconciler,” at paragraphs [0046]-[0047], that states:

[0046] Once the ERP system receives the order and performs certain validations, it then preferably sends a document, perhaps in a 'flat file' format (i.e., having a single line for each entry, for example) or other simple format, back to the tool indicating the acknowledgement of the PO. In one embodiment, the format consists of single lines with fields having comma-separated values (CSV). The system 100 may then accept this acknowledgement, log it for users to view, convert it to an XML document, route the XML document to the retailer's merchandising system and/or perform other desired functions.

[0047] On the supplier side, an administrator (e.g., sales manager) at the supplier location preferably receives notification, such as by e-mail, that an order has been placed. The sales manager may then log into the system 100 (e.g., using a PC with an Internet browser) in order to investigate the availability of the specified products. Upon logging in, the system 100 preferably identifies that there is an open request for the sales manager and visually alerts him to this condition by displaying an exception message/condition.

[0010] However, the Examiner beginning on line 1 of page 5 of the After-Final Office Action alleges that Applicant’s claimed, “a demand side reconciler that performs a demand side reconciliation of said transformed data streams with said trigger event data based upon the occurrence of said trigger event data,” is disclosed at paragraph [0046], as “(See ¶46, i.e. performing certain validations and further acknowledging purchase order)”.

[0011] Nowhere in paragraph [0046] is there any disclosure of any “demand side reconciliation,” but rather the mere transmission of information from the demand side to the Enterprise Resource Planning (ERP) system of the supplier.

[0012] Additionally, Applicant submits, that Dabbieri does not teach or suggest:

“wherein said supply side reconciliation process comprises reconciling said trigger event data with said data streams,”

“wherein said trigger event data comprises notification of goods being sent from a point in said supply chain,”

“wherein said demand side reconciliation process comprises determining whether said data streams are complete and whether said data streams were sent to said demand chain,”

“wherein said processes of performing said supply side reconciliation and said demand side reconciliation are one of: selectively delayed a predetermined period after said trigger event,”

“wherein supply side reconciliation and said demand side reconciliation include a process of correcting said data streams,” according to Applicant’s independent claim 1, and similarly independent claims 8 and 15, (formerly the subject matter of dependent claims 2-7, 9-14 and 16-20).

[0013] The Examiner beginning on line 1 of page 8 of the After-Final Office Action alleges that Dabbiere disclose Applicant’s claim invention, “wherein said supply side reconciliation process comprises reconciling said trigger event data with said data streams,” by stating, “See ¶47, i.e., actual inventory supply side check and visual alert; See also, ¶49, i.e.” However, nowhere in paragraphs [0047] and [0049] is there any disclosure of “reconciling said trigger event data,” and Examiner’s allegation that “actual inventor supply side check and visual alert” has nothing to do with Applicant’s claimed invention of “reconciling said trigger event data”

[0014] The Examiner beginning on line 13 of page 8 of the After-Final Office Action alleges that Dabbiere disclose Applicant’s claim invention, “wherein said demand side reconciliation process comprises determining whether said data streams are complete and whether said data

streams were sent to said demand chain.” by stating, “(See ¶66, wherein retail buyer manager can view the Bill of Lading to view when their personnel took possession of the goods).”

[0015] Paragraph [0066] states:

[0066] The retail buyer can continue to use the system 100 to monitor the shipment, based upon extracting frequent updates made by the express carrier to its own web site, until the shipment arrives at the DC. In addition, the manager is able to access the system 100 for any other information that users of the system 100 desire to include. For example, the manager could log in and view an image of the relevant Bill of Lading, indicating exactly when the DC personnel signed the document to take ownership of the product and begin receiving. By enabling the type of collaborative, real-time exchange of supply chain information described in the above example, the system 100 is able to greatly improve an efficiency, visibility and adaptability of trading partner transactions.

[0016] However, nowhere in paragraph [0066] or anywhere else in Dabbiere is there any disclosure regarding Applicant’s “demand side reconciliation process” and nowhere is there any process that discloses, “determining whether said data streams are complete and whether said data streams were sent to said demand chain.”

[0017] The Examiner beginning on line 13 of page 8 of the After-Final Office Action alleges that Dabbiere disclose Applicant’s claim invention, “wherein said processes of performing said supply side reconciliation and said demand side reconciliation are one of: selectively delayed a predetermined period after said trigger event; and selectively advanced a predetermined period before said trigger event.” as “See ¶59, wherein alert is delayed until after status reaches a criteria, in this case 80%”, and “See ¶59, wherein an alert is advanced before the order is 100% complete”.

[0018] Paragraph [0059], states:

[0059] Returning again to the factory side, the factory can use the system 100 of the present invention to continuously report quantities of product produced and provide status updates to the order. These updates may occur periodically, such as daily, or at any desired times. The updates may even be automated, as part of the manufacturing process, for example. Where orders are of a time sensitive nature, as may often be the case, the

sales manager, or any other user of the present invention for that matter, has the ability to place an alert on the order. That is, the system 100 may monitor order quantities input by the factories, and may be programmed to notify the manager upon an occurrence of any selected condition or conditions. For example, the manager may seek notification that the order is 80% complete but there are only 3 days remaining to complete the remaining 20%. The alerts may be visual (e.g., presented to the sales manager upon logging into the tool) and/or electronic, such as bye-mail. Other potential notification means here and throughout the system 100 include a public address (PA) announcement throughout the facility, pop-up message, paging to a cell phone, pager or personal digital assistant (PDA), etc.

[0019] However, nowhere in paragraph [0059] or anywhere else in Dabbieri is there any disclosure of “selectively delayed a predetermined period after said trigger event.” Dabbieri discloses an alert notification at 80% completion, as Examiner states, but NOT *delaying* the alert notification *after a trigger event*, per Applicant’s claimed invention. Neither does Dabbieri disclose, as argued above, any “*demand side reconciliation*.”

[0020] The Examiner beginning on line 12 of page 9 of the After-Final Office Action alleges that Dabbieri disclose Applicant’s claim invention, “*wherein supply side reconciliation and said demand side reconciliation include a process of correcting said data streams*,” as “(See ¶56, wherein the system updates the additional request in its own database to indicate that it has been accepted”. However, as Applicant has argued above, Dabbieri fails to disclose Applicant’s claimed “*demand side reconciliation*” and therefore fails to disclose “*a process of correcting said data streams*.” Finally, the Examiner’s allegation of a “system updates the additional request in its own database to indicate that it has been accepted,” is NOT equivalent to Applicant’s claimed, “*a process of correcting said data streams*.”

[0021] In summary, Dabbieri is directed toward integrated data communication between supply chain partners, such as factories, wholesalers, retailers and retail customers, transportation companies, whereas Applicant's claimed invention is directed towards a transformation unit that

performs transformations on the data streams and trigger event data by placing the data into appropriate categories for manufacturing lot trace capability as controlled by a relationship between components and devices in a bill of materials and parentage information. Furthermore, Applicant's invention is directed toward a demand side reconciler that performs a demand side reconciliation of transformed data streams with trigger event data based upon the occurrence of the trigger event data.

[0022] Therefore, Applicant respectfully requests the Examiner to reconsider and withdraw this rejection since the alleged prior art reference to Dabbiere fails to teach or suggest each element and feature of Applicant's claimed invention.

### **III. FORMAL MATTERS AND CONCLUSION**

[0023] In view of the foregoing, Applicant submits that claims 1, 8 and 15, all of the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

[0024] Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic interview.

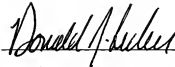
Application No. 10/710,252  
Docket No. BUR920040159US1

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[0025] The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Assignee's Deposit Account No. 09-0456.

Date: June 29, 2009

Respectfully Submitted,

A handwritten signature in dark ink, appearing to read "Donald J. Lecher", written over a horizontal line.

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